

The Sydney Morning Herald.

No. 5476—VOL. XXXV.

WEDNESDAY, NOVEMBER 21, 1855.

PRICE SIXPENCE.

SHIP ADVERTISEMENTS.

WATERVIEW DRY DOCK FERRY.—BALMAIN.—Leave from the Dock at half-past four to Parramatta Wharf, calling at Lane's Wharf.

STEAM TO BALMAIN, from the Gas Company's Wharf every ten minutes.

WATSON'S BAY.—The VICTORIA, from Campbell's Wharf, at 10, 30, 4, calling at Elliott's Wharf, Woolloomooloo Bay, and 5½ miles outwards, making the trip from Watson's Bay at 11, and Campbell's Wharf at 12. Fare either way, 1s. Children half-fee.

STEAM TO NORTH HARBOUR, MANLEY.—DRAGUE, or PELICAN steamer leaves TO-MORROW (Wednesday) at the usual hours—viz., 10 in the morning, and 2½ in the afternoon; starting from Hiram's Pier, on her return to Sydney, at 11, 12, 1, 2, 3, 4, and 5 p.m. Fare 1s. Children ½d.

STEAM TO WOODVILLE, via the Circular Quay.—The STEADFAST, Captain WILSON, will leave Sydney at 6 p.m. From Watson's Bay at 11, and 12½ and 4 p.m.

STEAM TO CLARENCE RIVER.—The STEADFAST, Captain WILSON, will leave Sydney at 6 p.m. on THURSDAY next, the 1st instant, at 10 a.m. All freight to Manly, WEST and HARRISON, Balmain Wharf, Sydney.

STEAM TO MIRIMBULA, TWOFOOLD BAY.—The WILLIAM IV, will leave for Manly by Parallel, on FRIDAY next, the 2nd instant, at 10 a.m.

STEAM TO MURKINNAH, via the Circular Quay.

STEAMER TO WOLLONGONG.—The LILLAWARREY leaves TO-MORROW (Wednesday) MORNING, at 9 o'clock; and every TUESDAY, THURSDAY, and SATURDAY, at the same hour. Residents in the district are informed that after the 1st instant, all steamers leave Wollongong at 11 o'clock. MONDAY, WEDNESDAY, and FRIDAY, at 10 o'clock.

STEAM TO SYDNEY AND MURKINNAH, via the Circular Quay, November 15th, 1855.

STEAMER TO MURKINNAH, via the Circular Quay.

THE LAND REGULATIONS.

It was only recently that I had an opportunity of reading a communication in the *Sydney Morning Herald*, signed "Vereka," and headed "The Land Regulations by C." No person is more difficult to be met with than one who will dispute fairly, and certainly the case of "Vereka" is no exception. The assumption which runs throughout his letter, that my remarks were dictated by an unfriendly feeling towards the squatters, is the very reverse of the fact. I have always, in common, I believe, with every dispassionate and disinterested person, looked upon the squatting as not only the chief, but until lately almost the sole important interest in the colony, and fully recognise in every individual squatter the energy and enterprise that have brought that interest to what it is. At the same time, I have been opposed to and greatly surprised at that braggadocio and trumpet-blowing propensity which, when any allusion was made to the merits or demerits of squatters as a body, brought forward the personal perils which they encountered in pursuance of their avocations as entitling them to distinguished praise on the score of courage and daring. It is not usual for English gentlemen to be the heralds of their own prowess, especially when the danger springs from such a contemptible source as widely-disseminated hordes of cowering, helpless naked savages. In seeking for runs in a wild country, squatters are generally well armed and attended, and consequently in a position, with the exercise of ordinary forethought, to repel any dangers arising from the ill-will, when it is excited, of the aborigines. Those who really do show a great amount of courage and coolness in the occupation of a new country frequented by hostile blacks are the shepherds, hutkeepers, and stockmen, whose solitary and monotonous pursuits expose them at every hour of the day or night to danger either by surprise or open attack. We never, however, hear any merit ascribed to these men either by themselves or others, though many of them in their solitary life expose themselves to concealed dangers which it requires more true courage to face than those perils which, although far more formidable, are at least open and apparent.

To return, however, to "Vereka's" criticism. He accuses me of giving expression to opinions on a subject of which I have had no practical experience. He is wrong in this; my experience of bush affairs, although, perhaps, not so extensive as his own, being quite sufficient to free me from the charge of rashness in propounding a theory of the system which would likely obtain with reference to the occupation of the Crown Lands in the distant future. That theory must, of course, be taken for what it is worth; but I must be pardoned for saying that it is not upset by any thing "Vereka" has brought to light.

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It was understood, according to Captain Browne, that on the adjustment of this claim for compensation, the men would have been willing to complete their part of the agreement, either by paying the balance of the passage money in cash, or by taking service on board a vessel, or as an employee, who would advance that balance. This claim was sworn by the men themselves. According to Mr. Beit, however, the men had positively refused to adhere to their agreements, contending that as there had been a breach on the part of the charterer they were wholly released. But the master continued unswayed, and the tools, clothes, &c., of the men remained in the defendant's possession, or in the hands of the captain, the agreement stipulating for a balance to be paid to the master, and the passage money, should he be paid. The defendant, however, had, in taking these proceedings, referred to the plaintiff, who was a carpenter, an engagement with a Mr. Howison, of Parramatta, at 10/- a day. Cuthbert objected to this, saying that if he had his master could earn 16/- or 17/- a day in Sydney. Upon this, according to the plaintiff and his companions, Mr. Beit became angry and threatened to force them all to go to Moreton Bay as shepherds. According to Mr. Beit, he merely said that if Cuthbert refused an engagement as carpenter, the Emigration Agent might be forced to take other employment. It was not long after this that the plaintiff and certain of his fellow-passengers were arrested. But it was proved before the magistrates that there had been no offer of an engagement under the approval of the Emigration Agent as required by the agreements as well as by the Act under which they were framed. On the contrary, when Captain Browne had been applied to for the purpose of sanctioning, or rather enforcing, these contracts of service, he had declined to do so unless, according to his invariable practice in such cases, he and the employer, or the employed brought together, and had agreed to consider the nature of the employment, was fitting and the wages fair. Upon this the round the cases were dismissed. According to Mr. Beit, however, he had, in taking these proceedings, reasonably expected to be paid his wages, and was consequently not liable in this suit. The refusal to engage with Howison was an evasion of an engagement within the meaning of the Act, as the wages were very good, considering the difference between the cost of living in Parramatta and in Sydney.

Doheny Kelly, a bright youth of 18, who described himself as shopman to a draper named Oddy, was charged by a man named Robinson, who said he was 15 years of age, with having assaulted him. It appeared from Robinson's evidence, that between 10 and 11 o'clock last evening, he was standing at the pit entrance to the coal-heated wharf, defendant, had come out of the house, and had given his hand of admittance; complainant put out his hand to accept it, when defendant gave him, instead of the ticket, a blow with his fist which cut his mouth, and knocked him down; by the violence of the fall the back of his head was cut, and bled profusely. Mr. Torming gave defendant into custody. Defendant called a witness in reply, who, although he corroborated the evidence as to the assault, showed that complainant was testing persons leaving the theatre to give them tickets. Sentence to pay a penalty of 5/-, which being compiled with, the alternative was adjudged to be guilty of the offence, and sentenced to forfeit the wages which would have otherwise accrued.

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The jury not agreeing, a verdict of the majority was accepted. Verdict for the defendant.

LAW.

SUPREME COURT.—TUESDAY.
SITTINGS FOR THE TRIAL OF CAUSES.
FIRST COURT.

BEFORE MR JUSTICE HENRY AND JURY OF FOUR.
CUTHBERT V. BEIT.

This was an action for malicious prosecution, to which the defendant had pleaded the general issue. Mr. Broadhurst appeared for the plaintiff, and Mr. Davall for the defendant.

The prosecution declared upon as malicious was one brought by Mr. Beit at the Water Police Court under the Assisted Emigrant Act for refusing to take service according to his agreement. There were five actions against Mr. Beit by persons who had been prosecuted. The circumstances of the case were these:—The plaintiff and a number of others came from New York to Sydney by the American ship "George" in July last. Before leaving New York the men had entered into agreements with Mr. Cameron, the charterer, by which they contracted to give £24 per head for their passage—£14 to be paid before starting and the remainder after arrival, and after the ship's arrival in Sydney. In the event of the emigrant not being in a position to pay the balance of the passage money, he was to take up to the current rate of wages, with any employer who would advance this balance, to be repaid by instalments from the man's wages. On the arrival of the ship a protest, signed by seventy passengers, was handed to the defendant, stating that they had been furnished with bad and insufficient provisions, and that their accommodation had been one-third less, in point of space, than they were entitled to. Mr. Beit, however, did not deny that he had taken the sum advanced upon the mortgage. A number of Rogers' creditors showed that he had been incurring debts on all sides, and it appeared from his own evidence at the same time, that there was no considerable amount of bad debts in his own transactions with his own creditors. From this evidence it would appear however that a large stock was sacrificed at the sale after his insolvency. He received, he stated, the sum alleged to have been paid him by the defendant, in consideration of which he executed the deed; and on those terms he suspended upon the lessor property now known as the Wagga Wagga.

The plaintiff had pleaded the general issue of being a party to the balance of the passage money, he was to take up to the current rate of wages, with any employer who would advance this balance, to be repaid by instalments from the man's wages.

His Honor referred the following questions to the jury: 1. Was there money advanced by the defendant to the insolvent? 2. Was the lease deposited as alleged at the time of the second payment? 3. Was the deed signed by the defendant in January 1855? 4. Was the deed of assignment executed with the purpose of defrauding the plaintiff? 5. Was the insolvent at the time in insolvent circumstances? 6. Was it executed without valuable consideration?

The jury found upon every one of these questions for the plaintiff.

RICKARDSON V. ONAN.
This was an action of ejectment to recover possession of the Victoria Inn, of Parramatta-street.

Mr. Stephen appeared for the plaintiff; the Solicitor-General and Mr. Fling for the defendant.

The starting point of the action was a bill of exchange presented to the court, which was put in to prove the commencement of the tenancy. It was brought a long way and kept a long time in Sydney, and claimed a large sum for expenses, but he was unable to prove that he could only recognize his signature, and recollect little or nothing of the transaction. The commencement of the tenancy was the point of importance to be ascertained, as therupon turned the sufficiency or insufficiency of the notice to quit. It appeared that four attempts at ejection were made hitherto without success. The defendant took up the bill of exchange, and it was rejected by Captain Browne's arbitration. But these men, some of whom had employed Mr. Brennan as their attorney, and Captain Browne declined to go into the question of compensation, as an arbitrator, unless Mr. Brennan was permitted to conduct the case before him. The complainants, conceiving that no decision could be satisfactory to the men, unless this course was taken. As there were 103 steerage passengers, all of whom, if any, had a right to compensation, Captain Browne thought that the most satisfactory way would be to give a sum of compensation, and let the decision as to the amount, determine all the rest. Mr. Beit offered to leave the matter wholly in Captain Browne's hands, without himself interfering, provided that the interference of Mr. Brennan was also rejected; but as Captain Browne made the retention of Mr. Brennan a sine qua non, Mr. Beit's offer of reference was withdrawn.

It was understood, according to Captain Browne, that on the adjustment of this claim for compensation, the men would have been willing to complete their part of the agreement, either by paying the balance of the passage money in cash, or by taking service on board a vessel, or as an employee, who would advance that balance. This claim was sworn by the men themselves. According to Mr. Beit, however, the men had positively refused to adhere to their agreements, contending that as there had been a breach on the part of the charterer they were wholly released. But the master continued unswayed, and the tools, clothes, &c., of the men remained in the defendant's possession, or in the hands of the captain, the agreement stipulating for a balance to be paid to the master, and the passage money, should he be paid. The defendant, however, had, in taking these proceedings, referred to the plaintiff, who was a carpenter, an engagement with a Mr. Howison, of Parramatta, at 10/- a day. Cuthbert objected to this, saying that if he had his master could earn 16/- or 17/- a day in Sydney. Upon this, according to the plaintiff and his companions, Mr. Beit became angry and threatened to force them all to go to Moreton Bay as shepherds. According to Mr. Beit, he merely said that if Cuthbert refused an engagement as carpenter, the Emigration Agent might be forced to take other employment. It was not long after this that the plaintiff and certain of his fellow-passengers were arrested. But it was proved before the magistrates that there had been no offer of an engagement under the approval of the Emigration Agent as required by the agreements as well as by the Act under which they were framed. On the contrary, when Captain Browne had been applied to for the purpose of sanctioning, or rather enforcing, these contracts of service, he had declined to do so unless, according to his invariable practice in such cases, he and the employer, or the employed brought together, and had agreed to consider the nature of the employment, was fitting and the wages fair. Upon this the round the cases were dismissed. According to Mr. Beit, however, he had, in taking these proceedings, reasonably expected to be paid his wages, and was consequently not liable in this suit. The refusal to engage with Howison was an evasion of an engagement within the meaning of the Act, as the wages were very good, considering the difference between the cost of living in Parramatta and in Sydney.

John Naughton, was charged with having illegally left the ship, and was remanded to gaol for six months for this offence.

Fancy Graham, charged with having made use of obscene language in a public place, was sentenced to pay 20/-, or to be imprisoned for seven days.

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MURKINNS OF CARDBOARD.

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THE SYDNEY MORNING HERALD, WEDNESDAY, NOVEMBER 21, 1855.

ALBURY.
There is nothing like combination to attain an end, particularly where the object to be attained is a worthy cause; to such an end were the energies of our worthy chairman, Dr. Owen, directed when, as the master mind of the Committee for the Abolition of the Customs on the frontier of the River Murray, he guided the counsels of that excellent working committee, which has resulted in the re-establishment of free trade to both sides of the frontier. In some instances, to draw distinctions where all did their duty, we cannot allow the event of such vast importance as the abolition of frontier imposts to pass over without publicly thanking the man who next to our worthy representative, G. Macleay, has been the main-spring of effecting this desirable change.

It takes some time to correct an abuse—and one, too, of such magnitude as was foisted upon us; yet still I hope we will arise and set signs of an increase of business, a sense of thought and action, and a healthy tone imparted where everything before was thought but trouble and vexation.

In addition to the local exertion used, which has resulted so beneficially, we have been indebted to the Press, and particularly to the *Sydney Morning Herald*, in pointing out the absurdity of Government hampering commerce in the interior, and showing the results which it now from free trade.

The work of the committee will be to invite Mr. G. Macleay to a public dinner, and no man more deserves the thanks of the community; so that, come the election when it may, he will be sure to be returned as a member to the Parliament, representing, as he so ably does, the important district of the Murrumbidgee.

Great interest is manifested by the squatters of the luxuriant but sandy Bilybinong district, at proposals made to them by means of steam-engine tractors, and a number of considerable waterfalls which are to be used in motion when the Murrumbidgee falls so low as not to be of my natural use for the purpose of irrigation. We are satisfied that, with energy and means supplied it can be accomplished, and thus render the squatters of that fine fattening district independent of their neighbours for water, and keep them from wandering up and down the face of the earth, as now do, to seek pasture.

We cannot pass this subject without pointing out the numerous advantages to be derived from planting in these districts the sugar tree.

The Argan Tree.—The Argan tree grows in the States of Western Barbary, but principally in the provinces of Havia, and south of Mogador. The soil in which it is found is light, sandy, and very strong; it is usually found upon the hills, which are barren of all else, and where irrigation is impossible. The tree flourishes for one, two, and sometimes three centuries. The system of propagation is mostly by seed. In sowing, a little earth is thrown over the seed, which is said to be well watered till it is rooted, for which period it requires nothing further. The fruit bears fruit from three to five years. The roots extend a great distance under ground, and shoots make their appearance at intervals, which are allowed to remain, thus doing away with the necessity of transplanting or sowing. As the fruit ripens, herds of goats, sheep, and cows are taken out; a man beats the tree with a long pole, and the nuts fall, and are greedily devoured by the animals. Large quantities are collected by the women and children, which are well dried, the hull taken off, and stored as food for mules and camels in winter. A valuable oil is also extracted from these nuts by a very simple process, and the cake which remains after the oil has been extracted forms an excellent and fattening food for cows and goats (and in this country it would do well for fattening pigs). The experiment of trying to propagate a valuable tree in this colony is certainly worth doing.

Although the foregoing has already appeared in the *Herald*, we consider it too valuable an article to be overlooked, and particularly at this season of the year when the squatters are leaving their stations from being short of water. It may draw their attention to a substitute, or a relief from the excessive privations caused by the want of it, and the republication of the article may lead to so desirable an end. Seede in the colony, and I presume the director of the horticultural society will be pleased with pleasure.

An influential meeting of squatters on the opposite side of the Murray was held at Heide, Victoria, to petition the Legislature and the Governor to have their stations placed on the same footing, with regard to leases, as those of New South Wales; or be compensated for the loss of their rents when Government appropriates them for building purposes and small farms. The sums of agitation, in the shape of £10,000, were submitted to the government, which is further postponed to the 1st of December.

We have another steamer and cargo, bearing on its way from the Goulburn and Adelaide, and although the river has fallen ten feet, since the departure of the Albury steamer, there is still water sufficient for the Gundagai to come up.

UNITED STATES.

By way of California, we have news to the 20th of August.

MEXICO.
Our dates are to the 4th of August, by way of New Orleans. The latest advice leave scarcely a doubt of the overthrow of Santa Anna, and the triumph of the Revolutionaries. It is reported that the Dictator has fled from the capital, and from the country.

A body of several hundred insurgents, from Oriente, had taken possession of the road between Vera Cruz and Jalapa, and were posted near the National Bridge, with the object of intercepting the conductors on its way down to Mexico. The mail, however, was allowed to pass. The conductors had about one and a half millions of dollars, guarded by about eight hundred troops. The mail of Santa Ana and family of the president, with his household, were also allowed to pass, and were taken to the United States accompanied it, and were to take passage to New York.

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